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U.S. DISTRICT COURT
NO. DIST. OF CALIF. S.J.

FRED M. BLUM, ESQ. (SBN 1015860)
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BASSI, MARTINI, EDLIN & BLUM LLP
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ADR

Attorneys for Defendants
GEOSTAR CORPORATION, GEOSTAR FINANCIAL SERVICES CORPORATION, AND
TONY FERGUSON

E-FILING

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA- SAN JOSE

C08 03898 PVT

PETER FORTENBAUGH and BETTY LEE,
in their capacity as Trustees of THE PETER
FORTENBAUGH TRUST, a California Trust,

Plaintiffs,

vs.

CLASSICSTAR FINANCIAL SERVICES,
INC., a Delaware Corporation, GEOSTAR
CORPORATION, a Delaware Corporation,
GEOSTAR FINANCIAL SERVICES
CORPORATION, a Delaware Corporation,
TONY FERGUSON, an individual, and DOES
1 through 30, inclusive,

Defendants.

Case No.

**GEOSTAR CORPORATION, GEOSTAR
FINANCIAL SERVICES
CORPORATION, AND TONY
FERGUSON'S NOTICE OF REMOVAL
FROM STATE TO FEDERAL COURT**

Superior Court of the State of California
County of Santa Clara
Case No. 107CV084507

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA:**

1. PLEASE TAKE NOTICE that pursuant to Title 28 United States Code sections
1441 and 1332, Defendants GEOSTAR CORPORATION ("GEOSTAR"), GEOSTAR
FINANCIAL SERVICES CORPORATION ("GFS"), and TONY FERGUSON'S, an individual,
("FERGUSON") (collectively "NEW DEFENDANTS"), hereby remove this action from the

Superior Court of the State of California, County of Santa Clara, to the United States District Court for the Northern District of California. 28 U.S.C.A. §§1441. (West 2008). Co-defendant CLASSICSTAR FINANCIAL SERVICES, INC. ("CLASSICSTAR") joins NEW DEFENDANTS in this Notice of Removal. The grounds for removal are particularly stated as follows:

2. On July 15, 2008, Plaintiffs PETER FORTENBAUGH and BETTY LEE, in their capacity as Trustees of THE PETER FORTENBAUGH TRUST ("FORTENBAUGH") filed this First Amended Complaint ("FAC") in the Superior Court of the State of California, County of Santa Clara, Case No. 107CV084507 against NEW DEFENDANTS. A true and correct copy of FORTENBAUGH's FAC is attached as Exhibit A to the Declaration of Ruben Ruiz in Support of Geostar Corporation, Geostar Financial Services Corporation, and Tony Ferguson's Notice of Removal from State to Federal Court. ("Ruiz Decl.").

3. FORTENBAUGH's initial Complaint was filed on April 24, 2007 in the Superior Court of the State of California, County of Santa Clara, Case No. 107CV084507 against original Defendant CLASSICSTAR. A true and correct copy of FORTENBAUGH's original Complaint is attached as Exhibit B to the Ruiz Decl.

4. In response to FORTENBAUGH's original Complaint, CLASSICSTAR filed an Answer and Cross-Claim on July 9, 2007. Id. at ¶4. CLASSICSTAR filed a Voluntarily Dismissal of its Cross-Claim on August 12, 2008. A true and correct copy of CLASSICSTAR's Voluntary Dismissal is attached as Exhibit C to the Ruiz Decl.

5. In addition, FIRST SOURCE WYOMING, INC. ("FSW"), a second cross-claimant, filed a permissive cross-claim against FORTENBAUGH for unjust enrichment on July 9, 2007. Id. at ¶6. FSW filed a Voluntarily Dismissal of its Cross-Claim on August 12, 2008. A true and correct copy of FSW's Voluntary Dismissal is attached as Exhibit D to the Ruiz Decl.

6. FORTENBAUGH's FAC sets forth five causes of action: breach of contract against GEOSTAR and CLASSICSTAR, unjust enrichment against GEOSTAR and CLASSICSTAR, breach of contract against GEOSTAR and GFS, deceit/fraud against FERGUSON, and negligent misrepresentation against FERGUSON. Ruiz Decl. Ex. A ¶¶24-81.

7. This Notice of Removal is being filed within thirty days from the date upon which NEW DEFENDANTS received FORTENBAUGH'S FAC and were able to first ascertain that the case is one which may be removed to federal court. 28 U.S.C. § 1446(b)(West 2008).

8. On July 15, 2008, NEW DEFENDANTS were served with copies of the FAC. Ruiz Decl., Ex. A. These were the first "papers" within the meaning of Title 28 United States Code sections 1441 and 1332, from which NEW DEFENDANTS were able to ascertain that this case is removable. Specifically, these papers demonstrate the existence of complete diversity of citizenship and that the matter in controversy exceeds the statutory minimum.

9. For diversity to exist, diversity must exist at the time of filing the original complaint, and at the time removal is effected. Strotek Corp. v. Air Transport Ass'n of America, 300 F.3rd 1129, 1130-31 (9th Cir. 2002).

10. The federal district courts have "original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs and between -- (1) citizens of different States" 28 U.S.C.A. §1332(a).

11. A "corporation shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business. . . ." 28 U.S.C.A. §1332(c)(1).

12. For a natural person "[t]o show state citizenship for diversity purposes under federal common law a party must (1) be a citizen of the United States, and (2) be domiciled in the state." Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090, (9th Cir. 1983); 28 U.S.C.A. §1332(a), stating "an alien admitted to the United States for permanent residence shall be deemed a citizen of the State in which such alien is domiciled."

13. Where legal action on behalf of a trust is taken by the trustee as the real party in interest to the controversy, diversity jurisdiction is determined by the citizenship of the trustee. Navarro Sav. & Loan Ass'n v. Lee, 446 U.S. 458, 465-66 (1980).

14. Defendant GEOSTAR is not a citizen of California. GEOSTAR is a corporation incorporated in the State of Delaware, with its principal place of business in Mount Pleasant, Michigan. Geostar Corporation, Geostar Financial Services Corporation, and Tony Ferguson's Request for Judicial Notice. ("NEW DEFENDANTS Request for Judicial Notice"); Declaration

1 of Milton Evans, Jr. For Geostar Corporation in Support of Defendants Geostar Corporation,
2 Geostar Financial Corporation, and Tony Ferguson's Notice of Removal of Plaintiffs' First
3 Amended Complaint ¶2-3.

4 15. Defendant GFS is not a citizen of California. GFS is a corporation incorporated
5 in the State of Delaware, with its principal place of business in Mount Pleasant, Michigan. NEW
6 DEFENDANTS Request for Judicial Notice; Declaration of Milton Evans, Jr. For Geostar
7 Financial Services Corporation in Support of Defendants Geostar Corporation, Geostar Financial
8 Corporation, and Tony Ferguson's Notice of Removal of Plaintiffs' First Amended Complaint
9 ¶2.

10 16. Defendant CLASSICSTAR is not a citizen of California. CLASSICSTAR is a
11 corporation incorporated in the State of Delaware, with its principal place of business in Mount
12 Pleasant, Michigan. NEW DEFENDANTS Request for Judicial Notice; Ruiz Decl. Ex A, ¶2.

13 17. Defendant FERGUSON is a natural person who is not a citizen of California.
14 FERGUSON is a United States citizen domiciled in the state of Florida. Declaration of Tony
15 Ferguson in Support of Defendants Geostar Corporation, Geostar Financial Corporation, and
16 Tony Ferguson's Notice of Removal of Plaintiffs' First Amended Complaint ¶3-5.

17 18. NEW DEFENDANTS are informed and believe Plaintiff FORTENBAUGH is a
18 California citizen. FOERTENBAUGH is a California Trust whose trustees Peter Fortenbaugh
19 and Betty Lee bring the FAC. NEW DEFENDANTS are informed and believe, both Peter
20 Fortenbaugh and Betty Lee are United States citizens domiciled in California, or in the
21 alternative, they are resident aliens domiciled California. Peter Fortenbaugh and Betty Lee
22 reside in Santa Clara County, California. Ruiz Decl. Ex A, ¶1.

23 19. This Court has original jurisdiction over this matter because the amount in
24 controversy exceeds \$6,793,468.49 and complete diversity exists between the parties. Id. Ex. A
25 ¶¶34, 38, 46, 73, and 81; Prayer ¶1.

26 20. This action arose in Santa Clara, California. Therefore the proper district court is
27 the United States District Court for the Northern District of California. Id. Ex. A.

28 21. Promptly after the filing of this Notice of Removal in the United States District
Court for the Northern District of California, written notice of such filing and supporting

1 documents will be given by the undersigned to counsel for FORTENBAUGH, including Request
2 for Judicial Notice, and supporting declarations of Ruben Ruiz, Milton J. Evans Jr., and Tony
3 Ferguson. A written notice and will also be filed with the Clerk of the Superior Court of the
4 State of California, in and for the County of Santa Clara, along with supporting documents.
5 Attached as Exhibit E (without exhibits) to Ruiz Decl.

6 **WHEREFORE**, NEW DEFENDANTS respectfully request that this action now pending
7 in the Superior Court of the State of California in and for the County of Santa Clara be removed
8 to this Court and that further proceedings be conducted in this Court as provided by law.

9
10
11 Date: August 14, 2008

BASSI, MARTINI, EDLIN & BLUM LLP

12
13 By: 

RUBEN P. RUIZ

Attorneys for Defendants

14
15 GEOSTAR CORPORATION, GEOSTAR
16 FINANCIAL SERVICES CORPORATION, AND
17 TONY FERGUSON
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1 Re: **PETER FORTENBAUGH and BETTY LEE, in their capacity as Trustees of THE**
2 **PETER FORTENBAUGH TRUST, a California Trust v. CLASSICSTAR**
3 **FINANCIAL SERVICES, INC., a Delaware Corporation and DOES 1 through 30,**
4 **inclusive**
5 **Santa Clara County Superior Court Case No. 107CV084507**

6 **PROOF OF SERVICE – CCP §1013(a)(3)**

7 STATE OF CALIFORNIA/COUNTY OF San Francisco

8 I am a citizen of the United States and an employee in the County of San Francisco. I am
9 over the age of eighteen (18) years and not a party to the within action. My business address is
10 BASSI, MARTINI, EDLIN & BLUM LLP, 351 California Street, Suite 200, San Francisco,
11 California 94104.

12 On the date set forth below, I served the within:

13 **GEOSTAR CORPORATION, GEOSTAR FINANCIAL SERVICES CORPORATION, AND TONY**
14 **FERGUSON'S NOTICE OF REMOVAL FROM STATE TO FEDERAL COURT**

15 on the following parties:

16 HOWARD RICE, et al.
17 Jeremy Kamras, Esq.
18 Three Embarcadero Center, 7th Floor
19 San Francisco, CA 94111-4021

20 **X BY PERSONAL SERVICE:** I caused a copy of said documents to be hand delivered to
21 the interested party at the address set forth above.

22 **BY MAIL:** I caused such envelope to be deposited in the mail at San Francisco,
23 California. I am readily familiar with the firm's practice for collection and processing of
24 correspondence for mailing. It is deposited with the U.S. Postal Service on that same day
25 in the ordinary course of business.

26 **BY FEDERAL EXPRESS:** I caused such envelope to be deposited in the appropriate
27 Federal Express envelope, to the Federal Express office located at 120 Bush Street, San
28 Francisco, California 94104, to be delivered by the next business day. I am readily
familiar with the firm's practice for collection and processing of correspondence for
transmittal by Federal Express. It is deposited with Federal Express on that same day in
the ordinary course of business.

BY FACSIMILE: I caused said documents to be sent via facsimile to the interested
party at the facsimile number set forth below.

I declare under penalty of perjury that the foregoing is true and correct and that this
document is executed on August 14, 2008, at San Francisco, California.

26 
27 _____
28 ALISHA C. PEMBER

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Santa Clara, CA

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Isabella County, MI

County of Residence of First Listed
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jeremy Kamras, Esq.
Three Embarcadero Center, 7th Fl.
San Francisco, CA 94111-4024

Attorneys (If Known)

Frem Blum & Ruben Ruiz

E-FILING

C 08 03898

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ 2 ☐ 3 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 5
Citizen of Another State ☐ 2 ☐ 3 Incorporated and Principal of Business in Another State ☐ 5 ☒ 6
Citizen or Subject of a Foreign Country ☐ 3 ☐ 4 Foreign Nation ☐ 6 ☐ 7

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. § 1441, 1332

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) (See instructions): IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44**Authority For Civil Cover Sheet**

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b.) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

1 Re: PETER FORTENBAUGH and BETTY LEE, in their capacity as Trustees of THE
2 PETER FORTENBAUGH TRUST, a California Trust v. CLASSICSTAR
3 FINANCIAL SERVICES, INC., a Delaware Corporation and DOES 1 through 30,
4 inclusive
5 Santa Clara County Superior Court Case No. 107CV084507

6 **PROOF OF SERVICE – CCP §1013(a)(3)**

7 STATE OF CALIFORNIA/COUNTY OF San Francisco

8 I am a citizen of the United States and an employee in the County of San Francisco. I am
9 over the age of eighteen (18) years and not a party to the within action. My business address is
10 BASSI, MARTINI, EDLIN & BLUM LLP, 351 California Street, Suite 200, San Francisco,
11 California 94104.

12 On the date set forth below, I served the within:

13 **CIVIL COVER SHEET**

14 on the following parties:

15 HOWARD RICE, et al.
16 Jeremy Kamras, Esq.
17 Three Embarcadero Center, 7th Floor
18 San Francisco, CA 94111-4021

19 **X BY PERSONAL SERVICE:** I caused a copy of said documents to be hand delivered to
20 the interested party at the address set forth above.

21 **BY MAIL:** I caused such envelope to be deposited in the mail at San Francisco,
22 California. I am readily familiar with the firm's practice for collection and processing of
23 correspondence for mailing. It is deposited with the U.S. Postal Service on that same day
24 in the ordinary course of business.

25 **BY FEDERAL EXPRESS:** I caused such envelope to be deposited in the appropriate
26 Federal Express envelope, to the Federal Express office located at 120 Bush Street, San
27 Francisco, California 94104, to be delivered by the next business day. I am readily
28 familiar with the firm's practice for collection and processing of correspondence for
transmittal by Federal Express. It is deposited with Federal Express on that same day in
the ordinary course of business.

BY FACSIMILE: I caused said documents to be sent via facsimile to the interested
party at the facsimile number set forth below.

I declare under penalty of perjury that the foregoing is true and correct and that this
document is executed on August 14, 2008, at San Francisco, California.


ALISHA C. PEMBER